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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,393	06/13/2001	Ronald A. Katz	6646-114N9	8506

7590 10/22/2002

A2D, L.P.
Attention: Reena Kuyper
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Los Angeles, CA 90069

EXAMINER

WOO, STELLA L

ART UNIT PAPER NUMBER

2643

DATE MAILED: 10/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/881,393

Applicant(s)
Katz

Examiner
Stella Woo

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2643



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jul 30, 2002
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-29 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirements.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 10 6) ☐ Other: _____

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DETAILED ACTION

Terminal Disclaimer

1. The terminal disclaimer filed on July 30, 2002 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Pat. No. 6,335,965 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barger, Jr. et al. (USPN 4,071,698, hereinafter "Barger") in view of Gordon et al. (USPN 4,763,191, hereinafter "Gordon").

Barger discloses a method for controlling voice-data communications comprising the steps of:

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interfacing certain of a plurality of individual callers with an interface unit (callers with push-button telephones are interfaced with data coupling sets 32; col. 6, lines 35-43; col. 9, lines 20-33);

cuing select callers to provide responsive signals representative of identification data (audio program repeater prompts the push-button caller to enter his account number; col. 11, lines 18-23; col. 9, lines 40-42);

receiving, selectively identifying and testing (caller enters his account number which is compared with stored data to access a customer's record and for credit verification; col. 2, lines 9-12; col. 5, lines 53-57; col. 6, lines 35-54; col. 8, lines 60+; col. 9, lines 40-44; col. 11, lines 37-47);

transferring at least certain of said callers to an attended terminal (callers whose credit cannot be validated or those determined to be freeloaders or those who key in a specified code requesting operator assistance are automatically connected with an attended terminal 39; col. 9, lines 42-45; col. 11, lines 34-36; col. 9, lines 38-40); and

displaying at said attended terminal (operator's terminal displays all the data for the customer's call including any historical and credit verification data retrieved from memory using the received customer account number and a complete record of all transactions made by the customer in order to present the operator with an accurate and informative profile of a calling customer; col. 5, lines 29-37; col. 6, lines 3-9, 21-29); and

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confirming (operator can verbally confirm with the customer data stored for said caller and displayed at the operator terminal; col. 4, line 57 - col. 5, line 45; col. 10, line 61 - col. 11, line 12).

Barger differs from claim 22 in that it does not specify receiving and recording caller number identification signals. However, Gordon teaches the well known use of caller number identification signals in a telephone ordering system for identifying callers and recording the caller number identifications signals for compiling the necessary delivery and charging information (col. 2, lines 48-64) such that it would have been obvious to an artisan of ordinary skill to incorporate the use of caller identification signals, as taught by Gordon, within the ordering system of Barger to provide additional identifying data for use in compiling the necessary delivery and charging information.

4. Claims 23-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barger in view of the prior art submitted by Applicant entitled "DST Systems Inc. Mutual Fund System - Audio Response System."

Barger discloses a method for controlling voice-data communications comprising the steps of:

interfacing certain of a plurality of individual callers with an interface unit (callers with push-button telephones are interfaced with data coupling sets 32; col. 6, lines 35-43; col. 9, lines 20-33);

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prompting callers to provide responsive signals representative of identification data (audio program repeater prompts the push-button caller to enter his account number; col. 11, lines 18-23; col. 9, lines 40-42);

receiving, comparing and utilizing (caller enters his account number which is compared with stored data to access a customer's record (col. 2, lines 9-12; col. 6, lines 21-26; col. 8, lines 60+; col. 9, lines 40-44; col. 11, lines 37-47);

transferring at least certain of said callers to an attended terminal (callers whose credit cannot be validated or those determined to be freeloaders or those who key in a specified code requesting operator assistance are automatically connected with an attended terminal 39; col. 9, lines 42-45; col. 11, lines 34-36; col. 9, lines 38-40); and

displaying at said attended terminal (operator's terminal displays all the data for the customer's call including any historical and credit verification data retrieved from memory using the received customer account number and a complete record of all transactions made by the customer in order to present the operator with an accurate and informative profile of a calling customer; col. 5, lines 29-37; col. 6, lines 3-9, 21-29); and

confirming (operator can verbally confirm with the customer data stored for said caller and displayed at the operator terminal; col. 4, line 57 - col. 5, line 45; col. 10, line 61 - col. 11, line 12).

Barger differs from claims 23-29 in that the confirmation takes place via the operator rather than a voice generator. However, Barger does teach replacing any functions of the

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operator with a voice generator (col. 6, lines 35-41) and the DST Systems reference clearly teaches the well known use of a voice generator in an audio response system for confirming caller entries by voice (page 2 entitled "General Features," last paragraph; page 11 entitled "Provision of Instructions to Shareholders, eighth indent) such that it would have been obvious to an artisan of ordinary skill to incorporate such confirmation via voice generator, as taught by DST Systems, within the method of Barger in order to relieve the human operator of the need to verbally confirm caller data, thus, resulting more efficient call handling operations.

Response to Arguments

5. Applicant's arguments filed July 30, 2002 regarding claim 22 have been fully considered but they are not persuasive. .

Applicant argues that "Barger does not describe a situation where the customer enters certain data responsive to voice prompts, and then, when the customer is transferred to an operator, the operator is provided with a display of data for the customer including a portion of the data entered by the customer." The examiner disagrees. Barger describes a caller entering credit card or account number information using the keys of a push-button telephone and in response to audio message prompts, as an alternative to interaction with a human operator (col. 6, lines 35-54). Barger further provides for transferring certain callers who are interacting with the automated system to a human operator (col. 9, lines 39-45; col. 11, lines 34-36), the human operator terminal automatically displaying all data regarding the calling customer so as to

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provide the operator with a very accurate and informative profile of the calling customer (col. 5, lines 30-37; col. 6, lines 21-26).

Applicant further argues with regard to the confirming step, "there is no explicit discussion of such aspect." The examiner disagrees. The operator-customer interaction includes two-way voice communication with order verification (col. 11, lines 4-5).

6. Applicant's arguments with respect to claims 23-29 have been considered but are moot in view of the new ground of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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8. **Any response to this final action should be mailed to:**

Box AF

Commissioner of Patents and Trademarks

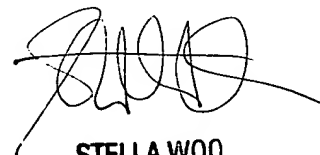
Washington, D.C. 20231

or faxed to:

(703) 872-9314; (for formal communications, please mark "EXPEDITED
PROCEDURE"; and for informal or draft communications, please label
"PROPOSED" or "DRAFT").

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella Woo whose telephone number is (703) 305-4395. Any general inquiries should be directed to the Customer Service Office at (703) 306-0377.

October 18, 2002



STELLA WOO
PRIMARY EXAMINER